

REMARKS/ARGUMENTS

This case has been reviewed and analyzed in view of the Official Action dated 1 October 2004. Responsive to the objections and rejections made by the Examiner in the outstanding Official Action, Claims 1, 3 and 4 have now been amended in order to more clearly clarify the inventive concept of the Applicant, and Claim 5 has further been inserted.

The Examiner has rejected Claims 1-4 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Claims 1, 3 and 4 have now been amended and it is believed that newly-amended Claims 1, 3 and 4 satisfy the requirements of 35 U.S.C. § 112, second paragraph.

Prior to a further discussion of the Examiner's objections and rejections made in the outstanding Official Action, it is believed that it may be beneficial to briefly review the subject Patent Application system in light of the inventive concept of the Applicant. The subject Patent Application system is directed towards a fastening belt for wrapping electric cables. As shown in Figure 4 of the subject Patent Application Drawings, the belt 1 includes a plurality of slots 11 each having an operation section 110. As shown more clearly in Figure 2, each operation section 110 is positioned centrally to the corresponding slot 11 and is further positioned symmetrically about a central axis, with each slot 11 being aligned vertically with respect to adjacent ones of the slots 11.

The Examiner has rejected Claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over the Applicant's own admission of prior art (AOAPA) in view of the Simmons Patent 6,688,776. It is the Examiner's contention that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the elongated belt of AOAPA to comprise the operation section comprising the bending portion as taught by Simmons because Simmons teaches that such a configuration is capable of distributing, routing and managing a plurality of conductors and comprises bending portions that allow for efficient placement of the conductors.

The AOAPA, shown in Figures 8 and 9 of the subject Patent Application Drawings include a belt 2 having a plurality of slots 212 formed therein. Each slot 212, as shown in Figure 9, is linear and does not include any sort of operation section.

The Simmons reference is directed towards an interconnect device. As shown in Figures 1, 2a and 3, each tab includes at least one means 16 for retaining conductors. Means 16a include a hooked feature, for holding one conductor path 30. In the alternative embodiment of Figure 3, conductors 30 are retained by finger-like elements 16b.

In either the embodiment of Figure 2a or the embodiment of Figure 3 of the Simmons reference, the region of the slot which could correspond to an "operation section" is not positioned centrally and symmetrically about a central axis with

regard to each slot. In fact, neither Figure 2a nor Figure 3 illustrate a symmetric arrangement for the slot, with both teaching away from symmetry about a central axis substantially parallel to the positioning of the cable.

Neither the AOAPA nor the Simmons reference, when taken alone or in combination, teach or suggest a slot having an operation section which is positioned central to the slot and is further positioned symmetrically with regard to a central axis of the slot. The AOAPA does not include any operation section and the Simmons reference teaches away from a symmetrically positioned operation section.

The primary purpose of the subject patent application system is to secure cables in a manner which not only offers protection for the cables but, importantly, prevents the cables from becoming tangled. The centralized and symmetric positioning of the operation section allows for orderly placement of cables with a minimum of tangling. The alternating finger arrangement and the spiral arrangement of the Simmons reference would both encourage the tangling of multiple cables, thus going against the basic principles and objectives of the subject patent application system.

Thus, neither the AOAPA nor the Simmons reference, when taken alone or in combination, provide for: "... each operation section being positioned offset from the slot corresponding thereto and being positioned central to said slot, each of said slots and each corresponding operation section being positioned

symmetrically about a central axis, and each of said plurality of slots being vertically aligned with adjacent ones of said plurality of slots ...”, as is clearly provided by newly-amended independent Claim 1.

Thus, based upon newly-amended independent Claim 1, it is not believed that the subject Patent Application is made obvious by either the AOAPA or the Simmons reference, when taken alone or in combination, when independent Claim 1 is carefully reviewed.

It is now believed that the remaining Claims 2-4 show patentable distinction over the prior art cited by the Examiner or at least the same reasons as those previously discussed for independent Claim 1.

The remaining references cited by the Examiner, but not used in the rejection, have been reviewed, but are believed to be further removed when patentable distinctions are taken into account than those cited by the Examiner in the rejection.

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It is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
For: ROSENBERG, KLEIN & LEE

A handwritten signature in cursive script that reads "Morton J. Rosenberg".

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